



#7 DAC
A34811 070793.0140
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : OHTSUKI et al Examiner: To Be Assigned
Serial No. : 09/998,565 Art Unit: 2833
Filed : November 16, 2001
For : ELECTRICAL CONNECTOR

PETITION UNDER 37 C.F.R. § 1.137(b)
TO WITHDRAW NOTICE OF ABANDONMENT AND
REQUESTING REFUND OF THE PETITION FEE REQUIRED UNDER § 1.7(m)

I hereby certify that this paper is being deposited with the
United States Postal Service as first class mail in an envelope
addressed to: Mail Stop Petition, Commissioner for Patents,
P.O. Box 1450, Alexandria, VA. 22313-1450.

December 8, 2003
Date of Deposit

Paul A. Ragusa
Attorney Name

38,587
PTO Registration No.

[Signature]
Signature

December 8, 2003
Date of Signature

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby submits this Petition to Withdraw Notice of Abandonment for
the above-captioned patent application due to Applicant's purported "failure to timely or properly

RECEIVED
DEC 11 2003
OFFICE OF PETITIONS

reply" to a Notice to File Missing Parts mailed on December 18, 2001. Applicant avers that the failure to respond was **unintentional** in that Applicant, in fact, filed a proper and timely response that was received and acknowledged by the Patent Office, but was apparently later misplaced through an error committed within that Office. The facts and circumstances resulting in this Petition, the reasons that support withdrawal of the Notice Of Abandonment and refund of the fee for the present Petition, are listed below.

A Notice to File Missing Parts in the above-captioned application was mailed on December 18, 2001, requesting Applicant to file, within a two month period, an oath or declaration and a late filing fee in the amount of \$130.00. Applicant's response, which included a Combined Declaration and Power of Attorney and the required fee, was timely filed on February 4, 2002. Copies of the Declaration and Fee Transmittal are enclosed.

On February 28, 2002, Applicant received a postcard from the Patent Office confirming the timely filing of Applicant's response to the Notice To File Missing Parts. A copy of this postcard, date-stamped February 19, 2002, is enclosed.

However, on November 19, 2003, a Notice Of Abandonment was mailed by the Patent Office asserting that Applicant had failed to "timely or properly reply" to the December 18, 2001, Notice to File Missing Parts. A copy of the Notice is enclosed.

On December 1, 2003, Applicant contacted the Initial Examination Division telephonically through counsel, and was advised to file this Petition to Withdraw Notice of Abandonment under 37 C.F.R. § 1.137(b) together with the fee required under § 1.17(m), in the amount of \$1330.00. Applicant was further advised that the **fee for this Petition would be**

refunded upon a finding that the Notice of Abandonment had been mailed as a result of an apparent error committed within the Patent Office.

Accordingly, Applicant respectfully contends that the Notice Of Abandonment should not have been issued in view of Applicant's timely filing of a Combined Declaration and Power of Attorney, and the required \$130.00 late fee, on February 4, 2002, as confirmed by Applicant's receipt of a date-stamped postcard from the Patent Office on February 19, 2002. Applicant further submits, in the event that the Commissioner determines that Applicant's papers were, in fact, properly filed and apparently misrouted or lost within the Patent Office, that the fee for filing the present Petition, in the amount of \$1,330.00, should be refunded in accordance with the assurances given by the Initial Examination Division and in conformance with the rule governing petitions for withdrawal of an Examiner's holding of abandonment.¹

The Commissioner for Patents is hereby authorized to charge and/or refund payment of the following fees to Deposit Account No. 02-4377: (1) the fee for this Petition, in the amount of \$1330.00, as required under 37 C.F.R. § 1.17(m); (2) if necessary, the \$130.00 late fee originally filed with Applicant's February 2002 response to the December 2001 Notice to File Missing Parts; and, (3) any other fees associated with this communication.

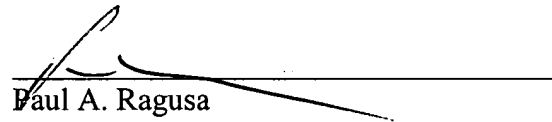
Based on the foregoing, Applicant hereby formally petitions and requests that the Commissioner reinstate the above-captioned application and withdraw the Notice Of Abandonment, on the ground that the Applicant filed a timely response to the Notice to File

¹ Applicant notes that, had the Notice of Abandonment been issued by an Examiner, a petition filed under 37 C.F.R. § 1.181(a), requesting withdrawal of an Examiner's holding of abandonment, would not require a fee. See MPEP § 711.03(c).I.

Missing Parts mailed by the Patent Office on December 18, 2001. Applicant further requests and petitions that the Commissioner refund the \$1330.00 fee associated with the present Petition, on the ground that the Notice of Abandonment was mailed as the result of a routing or other error committed within the Patent Office.

New York, New York
December 8, 2003

Respectfully submitted,


Paul A. Ragusa
PTO Reg. No. 38,587

Attorney for Applicant

BAKER BOTTS, L.L.P.
30 Rockefeller Plaza
New York, New York 10112
Telephone: (212) 408-2500
Facsimile: (212) 408-2501

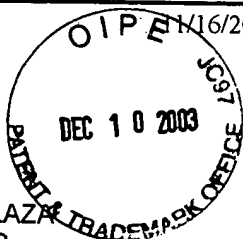


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/998,565	12/16/2001	Tomonari Ohtsuki	A34811-070793.0140

21003
BAKER & BOTTS
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112



CONFIRMATION NO. 7829

ABANDONMENT/TERMINATION
LETTER

OC000000011308544

Date Mailed: 11/19/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 12/18/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

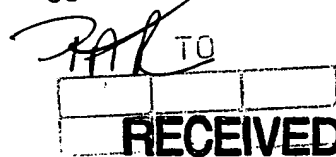
Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

BAKER BOTTS

A copy of this notice **MUST** be returned with the reply.

03 NOV 22 PM 2: 32



DEC 11 2003

OFFICE OF PETITIONS

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

Response Mailed 2/4/02 filed 2/19/02



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/998,565	11/16/2001	Tomonari Ohtsuki	A34811-070793.0140

CONFIRMATION NO. 7829

FORMALITIES LETTER



OC000000007207645

21003
BAKER & BOTTS
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

Date Mailed: 12/18/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION


FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY



BAKER & BOTTS, L.L.P.
FILE NO. A 346

A 124 B-34 H (0111)
「電力コネクター」 # 8

COMBINED DECLARATION AND POWER OF ATTORNEY

(Original, Design, National Stage of PCT or CIP Application)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ELECTRICAL CONNECTOR

the specification of which: *(complete (a), (b) or (c) for type of application)*

Regular or Design Application

- (a) ☐ is attached hereto.
(b) ☒ was filed on/ as Application Serial No. / and was amended on *(if applicable)*.
November 16, 2001 09/998,565

PCT Filed Application Entering National Stage

- (c) ☐ was described and claimed in International Application No. filed on and as amended on *(if applicable)*.

Acknowledgment of Review of Papers and Duty of Candor

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of the subject matter claimed in this application in accordance with Title 37, Code of Federal Regulations § 1.56.

☐ In compliance with this duty there is attached an information disclosure statement. 37 CFR 1.97.

Priority Claim

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed

(complete (d) or (e))

- (d) ☐ no such applications have been filed.
(e) ☒ such applications have been filed as follows:

RECEIVED

DEC 11 2003

OFFICE OF PETITIONS

PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION			
COUNTRY	APPLICATION NO.	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
Japan	2000-355,367	22, November, 2001	
ALL FOREIGN APPLICATION[S], IF ANY, FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION			

Claim for Benefit of Prior U.S. Provisional Application(s)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Provisional Application Number	Filing Date

Continuation-In-Part

(complete this part only if this is a continuation-in-part application)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
--------------------------	---------------	---

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
--------------------------	---------------	---

Power of Attorney

As a named inventor, I hereby appoint Dana M. Raymond, Reg. No. 18,540; Frederick C. Carver, Reg. No. 17,021; Francis J. Hone, Reg. No. 18,662; Joseph D. Garon, Reg. No. 20,420; Arthur S. Tenser, Reg. No. 18,839; Ronald B. Hildreth, Reg. No. 19,498; Thomas R. Nesbitt, Jr., Reg. No. 22,075; Robert Neuner, Reg. No. 24,316; Richard G. Berkley, Reg. No. 25,465; Richard S. Clark, Reg. No. 26,154; Thomas D. MacBlain, Reg. No. 24,583; Bradley B. Geist, Reg. No. 27,551; James J. Maune, Reg. No. 26,946; John D. Murnane, Reg. No. 29,836; Henry Tang, Reg. No. 29,705; Robert C. Scheinfeld, Reg. No. 31,300; John A. Fogarty, Jr., Reg. No. 22,348; Louis S. Sorell, Reg. No. 32,439 and Rochelle K. Seide Reg. No. 32,300 of the firm of BAKER & BOTTS, L.L.P., with offices at 30 Rockefeller Plaza, New York, New York 10112, as attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith

SEND CORRESPONDENCE TO: BAKER & BOTTS, L.L.P. 30 ROCKEFELLER PLAZA, NEW YORK, N.Y. 10112	DIRECT TELEPHONE CALLS TO: BAKER & BOTTS, L.L.P. (212) 705-5000
--	---

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR	LAST NAME OHTSUKI	FIRST NAME Tomonari	MIDDLE NAME	
RESIDENCE & CITIZENSHIP	CITY Shinagawa-Ku	STATE or FOREIGN COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan	
POST OFFICE ADDRESS	POST OFFICE ADDRESS C/O DDK LTD., 2-11-20, Nishi-gotanda, Shinagawa-Ku,	CITY Tokyo	STATE or COUNTRY Japan	ZIP CODE
DATE December 27, 2001	SIGNATURE OF INVENTOR <i>Ohtsuki Tomonari</i>			

RECEIVED

DEC 11 2003

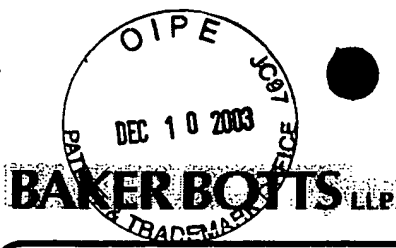
OFFICE OF PETITIONS

FILE

FULL NAME OF SECOND JOINT INVENTOR, IF ANY	LAST NAME YAMAZAKI	FIRST NAME Yasue	MIDDLE NAME	
RESIDENCE & CITIZENSHIP	CITY Shinagawa-Ku	STATE or FOREIGN COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan	
POST OFFICE ADDRESS	POST OFFICE ADDRESS c/o DDK LTD., 2-11-20, Nishi-gotanda, Shinagawa-Ku,	CITY Tokyo	STATE or COUNTRY Japan	ZIP CODE
DATE December 27, 2001	SIGNATURE OF INVENTOR <i>Yasue Yamazaki</i>			
FULL NAME OF THIRD JOINT INVENTOR, IF ANY	LAST NAME	FIRST NAME	MIDDLE NAME	
RESIDENCE & CITIZENSHIP	CITY	STATE or FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE or COUNTRY	ZIP CODE
DATE	SIGNATURE OF INVENTOR			
FULL NAME OF FOURTH JOINT INVENTOR, IF ANY	LAST NAME	FIRST NAME	MIDDLE NAME	
RESIDENCE & CITIZENSHIP	CITY	STATE or FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE or COUNTRY	ZIP CODE
DATE	SIGNATURE OF INVENTOR			
FULL NAME OF FIFTH JOINT INVENTOR, IF ANY	LAST NAME	FIRST NAME	MIDDLE NAME	
RESIDENCE & CITIZENSHIP	CITY	STATE or FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE or COUNTRY	ZIP CODE
DATE	SIGNATURE OF INVENTOR			
FULL NAME OF SIXTH JOINT INVENTOR, IF ANY	LAST NAME	FIRST NAME	MIDDLE NAME	
RESIDENCE & CITIZENSHIP	CITY	STATE or FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE or COUNTRY	ZIP CODE
DATE	SIGNATURE OF INVENTOR			
FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY	LAST NAME	FIRST NAME	MIDDLE NAME	
RESIDENCE & CITIZENSHIP	CITY	STATE or FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE or COUNTRY	ZIP CODE
DATE	SIGNATURE OF INVENTOR			

Check proper box(es) for any added page(s) forming a part of this declaration

- ☐ Signature for ninth and subsequent joint inventors. Number of pages added _____.
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor.
Number of pages added _____.
- ☐ Signature for inventor who refuses to sign, or cannot be reached, by person authorized under 37 CFR 1.47.
Number of pages added _____.



FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 130

Complete if Known

Application Number	09/998,656
Filing Date	November 16, 2001
First Named Inventor	Tomonari Ohtsuki
Examiner Name	
Group Art Unit	2833
Attorney Docket No.	A34811

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
- Deposit Account Number: 02-4377
- Deposit Account Name: Baker Botts LLP
- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status. See 37 CFR 1.27
2. ☒ Payment Enclosed:
- ☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
740	370	Utility filing fee	
330	165	Design filing fee	
510	255	Plant filing fee	
740	370	Reissue filing fee	
160	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0

2. EXTRA CLAIM FEES

Total Claims: 20 ** = 0 x Fee from below = 0

Independent Claims: 3 ** = 0 x Fee from below = 0

Multiple Dependent: =

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
18	9	Claims in excess of 20
84	42	Independent claims in excess of 3
280	140	Multiple dependent claim, if not paid
84	42	** Reissue independent claims over original patent
18	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	130
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	For filing a request for ex parte reexamination	
920*	920*	Requesting publication of SIR prior to Examiner action	
1,840*	1,840*	Requesting publication of SIR after Examiner action	
110	55	Extension for reply within first month	
400	200	Extension for reply within second month	
920	460	Extension for reply within third month	
1,440	720	Extension for reply within fourth month	
1,960	980	Extension for reply within fifth month	
320	160	Notice of Appeal	
320	160	Filing a brief in support of an appeal	
280	140	Request for oral hearing	
1,510	1,510	Petition to institute a public use proceeding	
110	55	Petition to revive - unavoidable	
1,280	640	Petition to revive - unintentional	
1,280	640	Utility issue fee (or reissue)	
460	230	Design issue fee	
620	310	Plant issue fee	
130	130	Petitions to the Commissioner	
50	50	Processing fee under 37 CFR 1.17(q)	
180	180	Submission of Information Disclosure Stmt	
40	40	Recording each patent assignment per property (times number of properties)	
740	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
740	370	For each additional invention to be examined (37 CFR § 1.129(b))	
740	370	Request for Continued Examination (RCE)	
900	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130

SUBMITTED BY

Name (Print/Type)	Paul A. Ragusa	Registration No. (Attorney/Agent)	38,587	Complete (if applicable)	
Signature		Telephone	212-408-2588	Date	February 4, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

RECEIVED

DEC 11 2003

OFFICE OF PETITIONS

34861

RECEIVED
DEC 11 2003
OFFICE OF PETITIONS

BAKER BOTTS L.L.P.
02 FEB 28 AM 11:55

TO

In Re: Ohtsuki et al. 09/998,565

In Re: (Applicant) Response Missing Parts	February 4, 200	(Serial No.) A34811
(Title of Paper)	(Date)	(File No.)

The stamp of the Patent Office Mail Room hereon acknowledges the receipt of the above-identified papers on the date indicated by such stamp.

Enclosed: 3 page transmittal, combined declaration/power of attorney, Confirmation No. 7829, \$130 check

Box MISSING PAPERS



CERTIFICATE OF MAILING REQUEST
FOR A TRANSMITTAL OF
DOCUMENTS TO THE
STANDARD MAIL ROOM
SUBMITTED FOR MAILING ON FEB 26/02
SEE ATTACHED FOR THE EXPLANATION OF THE
ALL-PAID PERIOD

INITIALS JS